



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

'AUG 07 2019

INFORMATION REQUEST LETTER

URGENT LEGAL MATTER - PROMPT REPLY REQUESTED

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

A&K Railroad Materials, Inc.
c/o Doug Davis
P.O. Box 30076
Salt Lake City, Utah 84130

SUBJ: Request for Information Pursuant to Section 104 of CERCLA and Section 3007 of RCRA for the Rockwell International Wheel & Trim Superfund Site located in Grenada, Grenada County, Mississippi

Dear Mr. Davis:

The purpose of this letter is to request that you, on behalf of A&K Railroad Materials, Inc. and Grenada Railway, LLC ("Respondent"), respond to the enclosed Information Request.

The United States Environmental Protection Agency is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the Rockwell International Wheel & Trim Superfund Site (the "Site") located in Grenada, Grenada County, Mississippi. This investigation requires inquiry into the identification, nature, and quantity of materials generated, treated, stored, or disposed of at, or transported to the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site, which includes parcel number 103W 05 900.00 known as the "Grenada North Yard," or part of the "Grenada District," or "Grenada Line." A map of the Site is set forth in Appendix A.

The Site is located at 635 Highway 332, Grenada, Grenada County, Mississippi, and includes the operating facility currently known as Ice Industries Grenada and surrounding adjacent properties, including, but not limited to, parcel number 103W 05 900.00 known as the "Grenada North Yard," or part of the "Grenada District" or "Grenada Line" and properties along Moose Lodge Road and the Eastern Heights neighborhood, Riverdale Creek, and the areal extent of contamination. Historically, a portion of the Site has been used to manufacture chrome-plated automobile wheel covers with multiple entities owning and/or operating the Site. While the EPA is aware that spills, leaks, and disposal practices during those former operations have resulted in groundwater, surface water, soil, and outdoor and indoor air contamination with trichloroethylene and other related contaminants, the EPA is in the process of investigating all potential sources of the contamination.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927, you are hereby requested to respond to the Information Request set forth in Appendix B.

Internet Address (URL) • <http://www.epa.gov>

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Compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA, as amended, and/or Section 3008 of RCRA. Each of these statutes permits the EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500) for each day of continued non-compliance. Please be further advised that the provision of false, fictitious, or fraudulent statements or representations to the Information Request may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA, 42 U.S.C. § 6928(d).

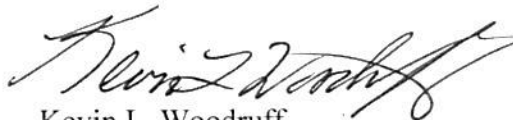
This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq. Your response to this Information Request should be mailed to:

Mr. Kevin L. Woodruff
Superfund Division - ECEB
U.S. Environmental Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W. – MS 9T25
Atlanta, Georgia 30303-8909

Due to the seriousness of the problem at the Site and the legal ramifications of your company's failure to respond properly, the EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Please direct all legal questions to Ms. Teresa Mann, Senior Regional Counsel, at (404) 562-9572 or Mann.Teresa@epa.gov. Technical questions should be directed to myself at (404) 562-8828 or Woodruff.KevinL@epa.gov.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin L. Woodruff", with a stylized flourish at the end.

Kevin L. Woodruff
Enforcement Project Manager
Superfund Division

Enclosures

APPENDIX A



APPENDIX B

INFORMATION REQUEST

INSTRUCTIONS

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this Enclosure A:

1. The term "you" or "Respondent" shall mean A&K Railroad Materials, Inc. and Grenada Railway, LLC ("Respondent"), the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21): an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The term "Site" shall mean all property located at 635 Highway 332, Grenada, Grenada County, Mississippi, including the operating facility currently known as Ice Industries, parcel number 103W 05 900.00 known as the "Grenada North Yard," or part of the "Grenada District" or "Grenada Line" and properties along Moose Lodge Road and the Eastern Heights neighborhood, Riverdale Creek, and the areal extent of contamination. A map of the Site is set forth in Appendix A.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included within this definition.
5. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).
6. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA, 42 U.S.C. § 6903(27).
7. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.
8. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
9. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.
10. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

11. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
12. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
13. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
14. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which it produces, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
15. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
16. The term "arrangement" means every separate contract or other agreement between two or more persons.
17. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
18. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

QUESTIONS

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide true and accurate copies of all such documents.
4. Provide a brief description of the nature of Respondent's operations on parcel 103 W 05 900.00, also known as the "Grenada North Yard," or part of the "Grenada District," or "Grenada Line" ("Respondent's Grenada Operations"), including:
 - a. The date such operations commenced and concluded;
 - b. The types of work performed including, but not limited to, the industrial, chemical, or institutional processes undertaken at each location, the maintenance, cleaning, painting, stripping, or repairs (mechanical or otherwise) made to the railcars or the railyard, the refueling of railcars, the transferring from one railcar to another, and any other work related to the railcars;
 - c. The hazardous material/waste streams generated, including the nature, volume, and content of each waste stream, and the disposal process(es) for each identified waste stream;
 - d. Whether any waste streams were ever discharged directly or indirectly to any portion of the Site, including properties adjacent to the operating facility and along Moose Lodge Road.
5. Describe the physical characteristics of Respondent's Grenada Operations, including but not limited to, the following:
 - a. Surface structures (e.g., buildings, tanks, etc.);
 - b. Groundwater wells, including drilling logs;
 - c. Past and present storm water drainage system, sanitary sewer system, including septic tank(s), and subsurface disposal field(s); and
 - d. Any and all additions, demolitions or changes of any kind to physical structures on, under or about the facilities, or to the property itself (e.g., excavation work) and state the dates on which such changes occurred.
6. Identify the raw materials, chemicals, solvents, metals, pesticides, and oils used or produced in Respondent's Grenada Operations, as well as the end products manufactured or produced, and the waste products generated in such operations, including cleaning or operation of the railcars and railyard.

7. Identify any raw materials, chemicals, solvents, metals, pesticides, oils, or products containing trichloroethane (TCE) that were transported in railcars or stored at the railyard during the Respondent's Grenada Operations.
8. Describe the cleaning and maintenance of the equipment, machinery and railcars involved in Respondent's Grenada Operations, including, but not limited to:
 - a. The types of materials used to clean/maintain this equipment/machinery and railcars; and
 - b. The monthly or annual quantity of each such material used.
9. Describe the methods used to clean up spills of liquid or solid materials during Respondent's Grenada Operations, including, but not limited to:
 - a. The types of materials spilled in the operations;
 - b. The materials used to clean up those spills;
 - c. The methods used to clean up those spills; and
 - d. Where the materials used to clean up those spills were disposed.
10. For each type of waste, including hazardous substances or hazardous wastes, from Respondent's Grenada Operations, including but not limited to, all liquids, sludges, and solids, provide the following information:
 - a. Its physical state;
 - b. Its nature and chemical composition;
 - c. Its color;
 - d. Its odor;
 - e. The approximate monthly and annual volumes of each type of waste (using such measurements as gallons, cubic yards, pounds, etc.); and
 - f. The dates (beginning and ending) during which each type of waste was produced.
11. For each type of waste generated by Respondent's Grenada Operations and the railcars, describe the arrangements for its disposal, recycling, sale, treatment, or transport at any portion of the Site, including properties adjacent to the operating facility and along Moose Lodge Road.
 - a. Describe the waste material disposed of and the location of the disposal;
 - b. State the date(s) of the disposals;
 - c. Identify the person(s) who disposed of the waste material; and

- d. Identify any oral or written agreements that Respondent had with any party to dispose of the waste material described in your response to 11(a) and the person(s) with whom such agreements were with. Produce any written documents regarding the disposal.
12. For each and every current or prior owner, operator, lessor, or lessee of any portion of Respondent's Grenada Operations:
- a. Identify such person and the nature of their operations at the facility;
 - b. Describe the portion of the facility owned, operated, or leased by each such person and state the dates during which each portion was owned, operated, or leased;
 - c. Provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to, purchase and sale agreements, deeds, leases, etc.; and
 - d. Provide all evidence that any hazardous materials were released or threatened to be released at the facility during the period that such persons owned, operated, or leased the facility.
13. Describe any discharges (direct or indirect) from Respondent's Grenada Operations and the railcars, and for each discharge, identify:
- a. The source of the discharge;
 - b. The nature and chemical composition of each type of discharge;
 - c. The approximate dates of the discharge;
 - d. The approximate quantity of the discharge disposed by month and year; and
 - e. Whether any type of pretreatment of the waste was performed.
14. Produce all records, documents, archival information, maps or other written materials provided to Respondent from Illinois Central Railroad Company and/or Canadian National Railway about the operations at Illinois Central Railroad Company and/or Canadian National Railway regarding:
- a. Operations;
 - b. The types of work performed including, but not limited to, the industrial, chemical, or institutional processes undertaken, the maintenance, cleaning, painting, stripping, or repairs (mechanical or otherwise) made to the railcars or the railyard, the refueling of railcars, the transferring from one railcar to another, and any other work related to the railcars;
 - c. The hazardous material/waste streams generated, including the nature, volume, and content of each waste stream, and the disposal process(es) for each identified waste stream;
 - d. Raw materials, chemicals, solvents, metals, pesticides, oils, or products containing TCE that were transported in railcars or stored at the railyard;

- e. Cleaning and maintenance of the equipment, machinery, and railcars and the type of materials used to clean/maintain this equipment/machinery;
 - f. Spills of liquid or solid materials and the method used to cleanup spills and the where the materials used to cleanup were disposed;
 - g. Types of waste generated, including hazardous substances or hazardous wastes, including but not limited to, all liquids, sludges, and solids and the volume of the waste;
 - h. Any discharges from operations or railcars, including the source, the nature and chemical composition, dates, and amount;
 - i. Arrangements for waste disposal, recycling, sale, treatment, or transport; and
 - j. Whether TCE or material containing TCE was ever sold, stored, disposed of, used or otherwise handled, including the chemical name, time period, use, time period use, volume, and any other information pertaining to TCE used.
 - k. Whether any waste streams were ever discharged directly or indirectly to any portion of the Respondent's Grenada Operations or the Site, including properties adjacent to the operating facility and along Moose Lodge Road.
 - l. Any federal, state, or local permits, registrations, or authorizations issued by any environmental or governmental entity, for the transportation, discharge, treatment, and disposal of waste materials from Respondent's Grenada Operations
15. Identify any federal, state, or local permits, registrations, or authorizations issued by any environmental or governmental entity, for the transportation, discharge, treatment, and disposal of waste materials from Respondent's Grenada Operations.
16. State whether TCE or material containing TCE was ever sold, stored, disposed of, used or otherwise handled at Respondent's Grenada Operations during the period of time when the Respondent owned, leased and/or operated Respondent's Grenada Operations. If so, provide the following information:
- a. Identify the chemical name and composition, trade name and FIFRA registration number, if any;
 - 1. The time period(s) during which it was used;
 - 2. Identify all persons who used the material at the facility during each period;
 - b. Describe briefly the purpose for which the material was used at the facility. If more than one use, describe each and when each was used;
 - c. The total volume (in gallons) of such material used during the time period, and if more than one-time period is involved also provide the volume for each time period;

- d. Identify the supplier(s) and provide copies of all contracts, service orders, shipping manifests, invoices, receipts, canceled checks and other documents pertaining to the supplying of the material;
- e. Describe how and where the material was stored at the facility, including but not limited to, the kind and size of the containers or tank(s), the storage area, pad or enclosure, the approximate average volume stored at the facility, and if the storage practice changed during the period, state how and when;
- f. State how frequently the material was delivered to the facility and in what volume on average (estimate if exact frequency and volumes are not known);
- g. State whether the material was delivered to the facility in bulk or in closed containers and describe how the material was transferred to the storage containers or tank(s) including any equipment used and by whom;
- h. Describe how the material was used at the facility. If more than one use, describe each and when each was used;
 - 1. Specify the locations at which the material was used;
- i. Describe how the material was transported from the on-site storage to the point where it was applied, in what amounts, and whether this was done using containers, hoses, piping or other equipment;
- j. Describe the procedures for cleaning any equipment used and where this was done;
- k. Describe how, where, when, and by whom the material containers were cleaned out, and removed from the facility or disposed of;
- l. If any of the practices described in response to the above sub questions changed during that time period describe the change and when it occurred;
- m. If you have any reason to believe that there may be persons able to provide a more detailed or complete response to any sub question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information they may have.
- n. Describe all investigations, including environmental evaluations, Respondent conducted prior to acquiring parcel number 103W 05 900.00 in Grenada, Mississippi. Produce all documents that refer to or evidence those investigation and environmental evaluations.

